

The Washington Times

WASHINGTON, SUNDAY, DECEMBER 18, 1904—FORTY-FOUR PAGES.

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CLASS. J. XX. No. 1
F. 239
COPY 2

NUMBER 3843

READY TO IGNORE NATION'S DEMAND TO SUIT CHURCH

Mormon Chief Recorder
Gives Defiant Reply
to Question.

ALWAYS OBEYS SMITH

Apostle Penrose, Poing mis-
Chosen at Meeting At-
tended by Smoot.

The most damaging statements in connection of the allegations made by the protestants in the Smoot investigation, on the point of the Mormon Church holding itself higher than the Government of the United States, were elicited from an unwilling witness yesterday through the unrelenting examination of Attorney R. W. Taylor, before the Senate Committee on Privileges and Elections.

The witness was John Nicholson, chief recorder of the Mormon temple in Salt Lake City, who testified first a few days ago. Recalled yesterday he declared that he called upon by the National Government to produce any records he would take no such action until he had consulted the "first presidency" of the Mormon Church; that if President Joseph F. Smith said "no," witness would refuse to obey the summons of the National Government; and that if the United States Senate sent its Sergeant-at-Arms to arrest him, witness would still refuse to obey the legal command of the Government.

On Church Domination.

The examination leading up to this declaration was based on the record book of marriages which the witness brought with him in response to the subpoena. He admitted there are other similar records in the temple in Salt Lake. "When asked why he had not brought those," he replied, "Because I did not want to." He said further that he had had to get the consent of President Smith, to whom witness' subpoena was shown, before he could bring the book now before the committee.

Q.—By Mr. Taylor. What did he tell you to do?
A. Tell the truth.
Q. Yes, that's easy. What book did he tell you to bring, and what did he say?
A. He didn't like it. Neither did I—at least I don't think he liked it.

Evasive Answers.

Chairman Burrows then took up the questioning on the point of what the witness would do if subpoenaed to bring other records. He evaded giving answers which could throw any light on the subject at all.

Thereupon Mr. Taylor took up the inquiry on the same line and tried to explain again to witness what Chairman Burrows was seeking to learn.

"If subpoenaed in this way to produce certain records," said the counsel, "I understand from your testimony that the first thing you would do, on returning to Salt Lake City, would be to see the first presidency about it."
Witness clearly emphasized his desire not to commit himself in any way, but rather to avoid the issue, by replying: "No, I would go first to see my folks at home—or so would you."

Attorney Taylor's patience was about exhausted by response of this kind, but he persisted unrelentingly and witness then gave the answers first mentioned, that he would obey the directions of President Joseph F. Smith, even in the face of a subpoena from the National Government.

Has Fifteen Children.

After leaving the stand, witness was recalled, and declared himself a polygamist, with two wives and fifteen children. None of the latter, he said, had been born to his plural wife since the manifesto. He and Attorney Van Cott had several personal colloquies, when witness showed a desire to answer more than the mere question propounded. Finally counsel asked witness to confine his answers to the questions alone.

Mr. Jackson quoted at length from election figures to show Mormon influence on the election. He reiterated his previous statements that no one could expect political success if he opposed the church in Idaho.

Jackson Resumes Stand.

At the beginning of the morning session witness Jackson resumed his testimony on the points of the noteworthy increase in the Republican vote in Idaho in the Mormon part of the State as compared with the Gentile portion. The vote for Gooding for governor ran ahead of that for Roosevelt in the Mormon counties, but behind the national ticket in the Gentile counties.

"In the late campaign," it was with the greatest difficulty that I was able to arrange Democratic meetings in Mormon centers, because of the fear of men to

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NELSON A. MILES TO RULE MILITIA OF THE BAY STATE

Taft Allows General to Take Up Massachusetts Guard Task—Request of Governor Granted by War Department.

Secretary of War Taft by direction of the President yesterday informed Governor-elect Douglas, of Massachusetts, that his request that Lieutenant General Miles be detailed as adjutant general of the State of Massachusetts, is granted, dating from January 1.

The formal announcement made by Secretary Taft puts an end to all rumors to the effect that the Administration would refuse to establish a new precedent in allowing an officer with the rank of a lieutenant general to accept a position under a State governor. There were also stories to the effect that because General Miles had not been on the pleasantest terms with the Administration his new assignment would not be looked upon with favor.

General Miles when informed of his designation last evening by a Times reporter said that he had no comment to make as he had not been officially notified.

As the result of President Roosevelt's designation, the general will receive the full pay of a lieutenant general in active service, \$11,000, besides the salary of \$3,000 to be allowed him by the State of Massachusetts.

It is possible for him to serve as adjutant general and be restored to full rank in the army under a provision of the Dick military law, which makes the special designation of the President conditional thereto.

An officer with the rank of lieutenant general has never served in a similar capacity, and some army men are inclined to look askance at what they claim likely to rob the commandship of the army of some of its dignity by establishing a new precedent.

General Miles will take office as soon as Governor Douglas takes his seat, which will be on January 1. His position is secure for a year, but at the end of that time there must be a new State election in Massachusetts.

General Miles, upon assuming his office, will be the highest paid soldier in the United States. He will draw more than the chief of staff, as his salary will be supplemented by allowances.

Fear Irish Society Has Murdered a Man

Relatives of Owen Kelly, of Philadelphia, Think the Case of Dr. Cronin in Chicago Is Duplicated.

NEW YORK, Dec. 17.—Many of the features that marked the celebrated case of Dr. Cronin, whose murder was the result of a Fenian quarrel in Chicago, seem to reappear in the strange disappearance of Owen Kelly, a well-to-do merchant and manufacturer of Philadelphia, of whom all trace has been lost to his friends and relatives since October 25. On that day he attended a meeting of the Continental Trust Company, of which he was a director. He left the meeting, and no friend has laid eyes upon him since. "The hospitals and asylums of Philadelphia have been searched, and the police have worked in vain to find him."

Francis Mulgrew, Kelly's brother-in-law, who is in business in this city, said today that he could only feel that the missing man had met with foul play. "I think," he added, "some organization is at the bottom of it all, and if Kelly had any enemies, they were in the Clan-Na-Gael."

"He was a member of both that organization and the Ancient Order of Hibernians, and when he led a lot of Clan-Na-Gael men over to Redmond and away from the Fenian element, he antagonized a great number of persons. That's why I think there must be an organization back of his disappearance."

"When the case of Dr. Cronin was recalled to Mr. Mulgrew, he shook his head and, after a silence, said: "I hope it won't be as bad as that."

The Clan-Na-Gael fight in Philadelphia was extremely bitter and followed by long litigation, in which Kelly was prominent.

NEW YORK, Dec. 17.—Nan Patterson's lawyers today decided to put in a defense for the young actress, charged with killing her lover, Caesar Young. Many believed, however, that the defense would rest its case on the belief that the prosecution had not sustained the burden of proof. Miss Patterson is anxious to go on the stand, and she may be permitted to by her attorneys.

The pretty "Florodora" girl is anxious to tell her story of the shooting of Caesar Young, of whose murder she is accused.

There has been much discussion among Miss Patterson's counsel as to the advisability of permitting her to take the stand in her own behalf. One is absolutely against the proposition, claiming that the girl's past, which District Attorney Rand is certain to go over, will make a bad impression on the jury and do more to convict her than the evidence the prosecution has submitted.

On the other hand, the other counsel point out that in nearly all the prominent capital trials where the defendant did not go upon the stand conviction inevitably followed.

They cite the cases of Molinex, Patrick, and others.

NEW YORK, Dec. 17.—Captain McAllister, of the Starlin Transportation Company's steamer Glen Island, which was burned in the Sound early today, causing the death of nine persons, in a statement this afternoon to the officials of the company throws no light on the cause of the disaster. He gives great praise to the officers and crew of the vessel.

The charred hull of the Glen Island is now resting on the bottom at the entrance to Hempstead Harbor. The dead are the assistant engineer, two deckhands, four firemen, and two passengers.

The survivors, who were brought to the city by the steamer Krustus Corning, are being cared for by the company or have returned home.

The Glen Island was last inspected in May of this year by two of the officials who were dismissed from the service because of the Steamship disaster. It is believed that the defective insulation caused the fire.

The names of the two passengers who perished cannot be learned. One of them was a woman, who would have been saved but for the fact that she insisted upon going back to her stateroom for her jewels.

Official Report.

The total loss, as estimated by the company, will amount to \$200,000, which includes a rich cargo of general merchandise.

The following official report of the accident to the Glen Island was made by Captain McAllister to the officials of the line:

"We left Cortlandt Street pier, New York city, at 5:25 a. m., on December 16, bound for New Haven with passengers and freight. We arrived at Execution Light about 11:35 p. m. Here I put the vessel on her course, and gave the wheel to the quartermaster, and left the pilot house in charge of Captain McAllister, 3rd lieutenant, O'Brien."

Have line, who was to have relieved me when we reached New Haven, was also in the pilot house. I went down through the state room hall and down the after stairway to the main deck to the hall. I went through forward, saw Chief Engineer Layman and the night watchman, Alexander Stewart. I then went back up to the hall in my room to wash my hands.

Boats Lowered.

"I then went down to the kitchen to get a cup of tea. It was about midnight. As I was reaching for the teapot all the lights went out and a volume of smoke came down the stairway. "I had great difficulty in getting out. When I got on deck my boat was afire on the main deck and also through the state room hall through midships and I could not go forward. The crew were getting the boats ready and I took command of the deck and lent a hand in cutting away the lashings on the starboard side, then went across for the larger boat on the port side.

"I found McAllister, the pilot, and Chief Engineer Layman getting this boat ready, cutting away the lashings and cover. We lowered the boat to the saloon deck.

"Here I had thirteen persons on board the lifeboat before she touched the water, when McAllister and myself slid down the davits tackle, and got in it.

On the other hand, Nan Patterson's

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